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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,565	04/06/2000	Yoshio Ozawa	Q58573	7434

7590 07/28/2004
Sughrue Mion Zinn MacPeak & Seas
2100 Pennsylvania Avenue N W
Washington, DC 20037

EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,565

Applicant(s)

OZAWA ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 2,3,20 and 22 is/are rejected.
- 7) ☒ Claim(s) 4-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments in a response dated May 13, 2004 have been respect fully considered. However, arguments believe to be unpersuasive. Therefore, the office action is final for the reasons stated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-17, 20 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hashizume et al. (USP 5,592,258) in view of Enomoto (USP 6,324,345).

With respect to claim 2, Hashizume et al., discloses an image reading device (scanner shown in fig 1), comprising: a photo film (2 of fig 1) passageway for guiding and passing developed photo film, see (col.15, lines 40-44); a light source (light source 49 of fig 1), for illuminating an image in said photo film (2 of fig 1) positioned in said photo film passageway (from U1-U2 of fig 1, see col.15,

Art Unit: 2626

lines 40-45); an image sensor (sensor 51 of fig 1), for reading said image being illuminated; a mask member, (negative mask member 88 of fig 4) secured to said photo film passageway, (as shown in fig 3 and 4), and on which said image is passed, see (col.15, lines 24-36); and a mask opening, (mask opening 88a, see col.13, lines 39-41), formed in said mask member (88 of fig 4), for directing light from said light source (lamp 49 of fig 1), toward said photo film (film 2 of fig 1).

Hashizume et al., does not disclose wherein said mask opening is a mask slit extending in a width direction of said photo film, so that said mask slit is longer in said width direction of said photo film than a passing direction of said photo film.

Enomoto in the same area of photographic film processing apparatus discloses wherein said mask opening is a mask slit (a mask slit 52a of fig 6A) extending in a width direction of said photo film (film shown fig 3), so that said mask slit (52a of fig 6A) is longer in said width direction of said photo film than a passing direction of said photo film, see (col.14, lines 43-46).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the photographic film processing system of Hashizume et al. to include: a mask opening (slit) extending in a width direction of photo film.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the photographic film processing system of Hashizume et al. given the teaching of Enomoto col.11, lines 65-66,

Art Unit: 2626

col.14, lines 42-43 (the mask 42 having an opening 42a replaced by 52 having slit 52a).

With respect to claim 3, Hashizume et al. discloses an image reading device (as shown in fig 1), wherein said mask member (88 of fig 4, as also shown in fig 3 and 4) is removably secured to said photo film passageway, see (mask member 88 of fig 4, exchangeable col.13, lines 43-45).

With respect to claim 20, Hashizume et al. discloses an image reading device (scanner shown in fig 1), comprising: a photo film (2 of fig 1) passageway for guiding and passing developed photo film, see (col.15, lines 40-44); a light source (light source 49 of fig 1), for illuminating an image in said photo film (2 of fig 1) positioned in said photo film passageway (from U1-U2 of fig 1, see col.15, lines 40-45); an image sensor (sensor 51 of fig 1), for reading said image being illuminated; a mask member, (negative mask member 88 of fig 4) secured to said photo film passageway, (as shown in fig 3 and 4), and on which said image is passed, see (col.16, lines 5-7); and a mask opening, (mask opening 88a of fig 4, see col.16, lines 24-26), formed in said mask member (88 of fig 4), for directing light from said light source (49 of fig 1), toward said photo film (film 2 of fig 1); and a protrusion portion (press roller 89a-89e of fig 3), disposed on said mask member to extend in said width direction of said photo film, (film 2 of fig 1).

Hashizume et al., does not disclose wherein said mask opening is a mask slit extending in a width direction of said photo film, so that said mask slit is

Art Unit: 2626

longer in said width direction of said photo film than a passing direction of said photo film.

Enomoto in the same area of photographic film processing apparatus discloses wherein said mask opening is a mask slit (a mask slit 52a of fig 6A) extending in a width direction of said photo film (film shown fig 3), so that said mask slit (52a of fig 6A) is longer in said width direction of said photo film than a passing direction of said photo film, see (col.14, lines 43-46).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the photographic film processing system of Hashizume et al. to include: a mask opening (slit) extending in a width direction of photo film.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the photographic film processing system of Hashizume et al. by the teaching of Enomoto because it would have allow users to defines the projected light from the film to have a specified narrow shape, on the position corresponding to the reading position.

With respect to claim 22, Hashizume et al. discloses the image reading device (as shown in fig 1), wherein the mask member (88 of fig 4) transmits light to less than 50% of a frame of the photo film (2 of fig 1) at a time.

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 19, the prior art does not disclose or show a control unit for obtaining contrasts of said first and second auto focus charts according to said first and second pick-up information, for detecting abnormality in an orientation of said mask member on said carrier base member if said contrasts have a difference beyond a tolerable range with said pick-up lens set in-focus, and for generating an alarm signal.

With respect to claim 21, the prior art does not disclose or show a control unit for obtaining contrasts of said first and second auto focus charts according to said first and second pick-up information, for detecting abnormality in an orientation of said mask member if said contrasts have a difference beyond a tolerable range with said pick-up lens set in-focus.

Objected Subject Matter

5. Claims 4-18, is objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2626

With respect to claim 4-18, the prior art does not disclose or teach an image reading device, further comprising image being read by said image sensor line by line while said feed roller conveys said photo film.

Response to the Arguments

6. With respect to applicant's response dated May 13, 2004 as indicated page 3 lines 1-4, applicant argues that "one of ordinary skill in the art would not have been motivated or had a suggestion to combine the reference as suggested by the examiner." Applicant's arguments have been respectfully considered but are not persuasive for the following reasons.

Applicant's arguments are based on the teaching of "the mask opening 31a" of Hashizume, which is disclosed in col.16, lines 24-26 as indicated in the last office action. However, attention is drawn to the mask opening 88a, see (col.15, lines 26-36).

It is the teaching of Hashizume in view of Enomoto (col.11, lines 64-66 and col.14, lines 42-43) ^{that would} have been obvious to one of ordinary skill in the art to combine the references. Therefore, claims 2 and 20 are not allowable over the prior art.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2626

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams**, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Negussie Worku

07/21/04


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER